

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**Criminal Application No. 113 of 2024**

Kiran Yeshwant Bhikru  
Age 65 years, Occ. Retired,  
R/at. Bhikru House, Mandvi  
Galli, Versova, Andheri West,  
Mumbai – 400 061.

...Applicant

Vs.

1. The State of Maharashtra  
Through D N Nagar Police Station  
Andheri West, Mumbai – 400 058.

2. Vadilal Kunverji Gada  
Age 59 years, Occ. Business,  
R/at. 301, A Wing, Prathamesh  
Residency, Dadabhai Road,  
Near Bhavans College,  
Andheri West, Mumbai – 400 058.

...Respondents

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Ms Anjali Jaiswal, for the applicant.  
Mr Yogesh Y Dabke, APP, for the respondent – State.  
PSI Vaibhav Khade, (Pairavi Officer), D N Nagar Police Station,  
Mumbai, is present.

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**Coram: R.N. Laddha, J.  
Date: 6 December 2024**

**P.C.:**

. Heard Ms Anjali Jaiswal, the learned Counsel for the applicant and Mr Yogesh Dabke, the learned Additional Public Prosecutor representing respondent No.1-State.

2. The applicant has preferred this application seeking cancellation of anticipatory bail granted to respondent No.2 by the learned Additional Sessions Judge, Borivali Division, Dindoshi, Mumbai, for the offences punishable under Sections 406 and 420 of the Indian Penal Code.

3. The applicant's contention is that the learned Judge overlooked the substantive merits of the prosecution's case while granting anticipatory bail to respondent No.2.

4. It is a settled principle in law that at the preliminary bail stage, the Court should not undertake a detailed examination of the evidence and elaborate documentation of the merits of the case. The primary consideration lies in the *prima facie* scrutiny of the material on record. Furthermore, once granted, the bail should not be cancelled mechanically unless there are compelling and supervening circumstances, such as the risk of jeopardising a fair trial.

5. Upon perusing the records, it is evident that the alleged offence occurred in 2023. Since then, the investigation has concluded, culminating in the filing of a charge sheet. There is nothing on record to indicate that the accused interfered with the prosecution's evidence or attempted to influence the

witnesses. Furthermore, the records do not suggest that the accused misused the bail concession granted to him. The learned Additional Sessions Judge appropriately limited the scope of adjudication to the *prima facie* material, refraining from delving into the merits of the case, as per legal principles. While accused criminal antecedents are noted, that alone cannot justify to curtail the liberty granted to the applicant. That apart, at this stage, with the investigation concluded, the charge sheet filed, and no compelling or supervening grounds arising post bail, this Court finds no justification to revoke the pre-arrest bail granted to the respondents/ accused.

6. Accordingly, the application stands rejected.

(R.N. Laddha, J.)